IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

VINCENT ELLIOT WILSON,
      Plaintiff,

v.   Civil No. 3:23cv240 (DJN)

JUDGE WILLIAM NEWMAN,
      Defendant.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate, submitted this action and requested leave to proceed *in forma pauperis*. (ECF Nos. 1, 2.) The pertinent statute provides:

> In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Plaintiff has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *See Wilson v. Arthur*, No. 3:23cv82 (DJN), 2023 WL 2506420, at *6 (E.D. Va. Mar. 14, 2023); *Wilson v. Burgess*, No. 3:22cv662 (DJN), 2023 WL 2505863, at *5 (E.D. Va. Mar. 14, 2023); *Wilson v. Arthur*, No. 3:22cv602 (DJN), 2023 WL 2507554, at *6 (E.D. Va. Mar. 14, 2023); *Wilson v. U.S.P.S*, No. 3:22cv689 (DJN), 2023 WL 1997069, *2 (E.D. Va. Feb. 14, 2023); *Wilson v. Lindsey*, No. 3:23cv83 (DJN), 2023 WL 1997070, at *2 (E.D. Va. Feb. 14, 2023). Plaintiff's current complaint does not suggest that he is in imminent danger of serious physical harm. (ECF No. 2.)

Accordingly, his request to proceed *in forma pauperis* will be DENIED. The action will be DISMISSED WITHOUT PREJUDICE.

Plaintiff remains free to submit a new complaint with the full $402 filing fee. The Court will process such a complaint as a new civil action.

An appropriate Final Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/

David J. Novak
United States District Judge

Richmond, Virginia
Dated: April 17, 2023

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